

Remarks

Reconsideration and reexamination of the above-identified patent application, as amended, are respectfully requested. Claims 1-4, 7-12 and 15-16 are pending in the application upon entry of this Amendment. No claims have been amended, canceled or added by this Amendment. Of the pending claims, claims 1 and 9 are the only independent claims.

Claim Rejections - 35 U.S.C. §103

Claims 1-4 and 9-12 were rejected under § 103(a) as being unpatentable over U.S. Patent No. 6,738,814 to Cox et al. (hereinafter "Cox") in view of U.S. Patent No. 4,817,080 to Soha (hereinafter "Soha"). Claims 7-8 and 15-16 were rejected under § 103(a) as being unpatentable over Cox in view of Soha and further in view of Smith, R. N. et al. (hereinafter "Smith") ("Operating Firewalls Outside the LAN Perimeter").

1. The Claimed Invention

The claimed invention is directed to a system and method for protecting publicly accessible network computer services from undesirable network traffic in real-time. As set forth in representative independent claim 1, the method comprises the steps of receiving network traffic including a stream of service requests destined for the publicly accessible network computer services, generating request statistics including connection statistics and service request distributions based on the stream of service requests, analyzing the request statistics to identify an undesirable user of the services, and limiting or removing access of the identified undesirable user to the services to protect the services.

2. The Claimed Invention Compared to Cox and Soha

The claimed invention differs from any combination of Cox and Soha in that the claimed invention, via the independent claims 1 and 9, discloses generating request statistics including connection statistics and service request distributions based on the stream of service requests. Neither Cox nor Soha, alone or in combination, teach these features. As noted by the Examiner on page 5 of the Office Action dated September 7, 2005, Cox does not explicitly disclose generating request statistics including connection statistics and service request

distributions based on the stream of service requests. Applicant respectfully disagrees with the Examiner's assertion that Soha cures the deficiency of Cox. Soha discloses a monitoring system for a local-area network in which a monitor manager on the network receives information from individual monitor units connected to different buses of the local-area network. (Soha, Abstract). When the monitor receives a packet having a particular characteristic, the monitor unit increments the contents of a counter. (Soha, col. 2 lines 39-45). One of ordinary skill in the art would not consider incrementing the contents of a counter in response to a packet having a particular characteristic equivalent to generating a service request distribution based on the stream of service requests. Accordingly, neither Cox nor Soha, alone or in combination, teach or suggest all claim limitations of the present invention and the rejection should be withdrawn.

Furthermore, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. 'The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art.'" (See, MPEP § 2143.01, citing *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000)).

Here the nature of the problems to be solved by Cox appear unrelated to the problems addressed by Soha. Cox is directed to a method for blocking denial of service and address spoofing attacks on a private network. (Cox, Title). Soha is directed to a monitoring system for a local-area network. (Soha, Abstract). A review of Soha fails to identify any mention of "denial of service" and "address spoofing attacks." Furthermore, Soha was classified in U.S. Class 370/17; 370/13. (Soha, first page, item 52). Cox was classified in U.S. Class 709/225; 713/201; 709/227. (Cox, first page, item 52). As such, Soha is in a separate field of endeavor and is not reasonably pertinent to the particular problems with which Cox was concerned. Therefore, there is no motivation or suggestion for the combination of

Cox and Soha as urged by the Examiner, the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103 and the rejection should be withdrawn.

Regarding claims which depend from independent claims 1 and 9, Applicant contends that these claims are patentable for at least the same reasons that claims 1 and 9 are patentable. Moreover, Applicant contends that these claims recite further limitations, in addition to the limitations of claims 1 and 9, which render these claims additionally patentable.

Conclusion

Applicant has made a genuine effort to respond to the Examiner's rejections in advancing the prosecution of this case. Applicant believes all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

If a telephone conference would expedite allowance or resolve any further questions, such a conference is invited at the convenience of the Examiner.

Respectfully submitted,
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